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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF CALIFORNIA; GAVIN
C. NEWSOM, in his Official Capacity as
Governor of California; et al.,

Defendants.

ASSOCIATION OF CALIFORNIA EGG
FARMERS; HUMANE WORLD FOR
ANIMALS; et al.,

Defendant-Intervenors.

No. 2:25-cv-06230-MCS-AGR

**PLAINTIFF'S *EX PARTE*
APPLICATION FOR STAY OF
PROCEEDINGS DUE TO LAPSE IN
FUNDING**

(Filed concurrently with [Proposed]
Order)

MEMORANDUM IN SUPPORT OF APPLICATION FOR STAY

1. On September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. In addition, many of the Department’s client-agency employees are prohibited by law from working during a lapse of appropriations making it difficult, if not impossible, for Department attorneys to obtain necessary client input, discovery, and consent to civil litigation support and strategy.

3. With respect to this action, Plaintiff filed an Amended Complaint on September 2, 2025. Dkt. 47. Defendants and Defendant-Intervenors filed dispositive motions on October 6, 2025. *See* Dkt. Nos. 58, 59, 60, 61. Plaintiff’s combined opposition and cross-motion for dispositive relief is due November 3, 2025. *See* Dkt. 56.

4. Undersigned counsel for the Department of Justice therefore requests a stay of all proceedings and deadlines until Congress has restored appropriations to the Department.

5. On October 13, undersigned counsel met and conferred with opposing counsel regarding this request. The State Defendants have indicated that they take no

1 position on this application, and the Defendant-Intervenors have indicated that they do
2 not oppose this request.

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4 6. If this application for a stay is granted, undersigned counsel will notify the
5 Court as soon as Congress has appropriated funds for the Department. The Government
6 respectfully requests that, at that point, all current deadlines for the parties be extended
7 commensurate with the duration of the lapse in appropriations since October 6, 2025—
8 *i.e.*, each deadline would be extended by the total number of days that appropriations have
9 lapsed since October 6.
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12 7. Therefore, although undersigned counsel greatly regrets any disruption
13 caused to the Court and the other litigants, the United States hereby requests a stay of all
14 proceedings and deadlines in this case until Department of Justice attorneys are permitted
15 to resume their usual civil litigations functions.
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1 Dated: October 15, 2025

Respectfully submitted,

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10 /s/ John Bailey

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17 /s/ Joseph W. Tursi

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